



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, April 11, 2012

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

The Rev. Anthony Coleman, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20120220 Service Award - John J. Schupp

Presentation of a Service Award to John J. Schupp for his dedication and service on the Marietta Redevelopment Corporation Board of Directors.

20120136 Distinguished Service Award - Warren Herron

Presentation of a Distinguished Service Award for Warren Herron, Ethics Committee.

20120137 Distinguished Service Award - The Reverend James Speed, Jr.

Presentation of a Distinguished Service Award for The Reverend James Speed, Jr., Ethics Committee.

20120319 Distinguished Budget Presentation Award

Presentation of the Distinguished Budget Presentation Award to Lori Duncan, Budget Manager and Sam Lady, Finance Director for their presentation of the Fiscal Year 2012 Budget Book. The award is the highest form of recognition in governmental budgeting and represents a significant achievement by the city.

20120317 Keep Marietta Beautiful Community Garden

Presentation of a check to Joan Ellars, Keep Marietta Beautiful and Jo-Evelyn Morris from Waste Management for a Community Garden located at Allgood School.

PROCLAMATIONS:**20120330 Proclamation - Miss Mamie's**

Proclamation presented to Miss Mamie's by Mayor Tumlin to recognize their winning the Food Network Cupcake Wars competition.

20120331 Proclamation - Van Pearlberg

Mayor Tumlin recognizes Van Pearlberg for his service to Ward 4 residents of Marietta.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20120320 The Reverend Lionel Gantt, Cobb SCLC**

The Reverend Lionel Gantt of Cobb SCLC wishes to speak about Fort Hill.

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20120243 Regular Meeting - March 7, 2012**

Review and approve the March 7, 2012 regular meeting minutes.

* **20120265 Special Meeting - March 14, 2012**

Review and approval of the March 14, 2012 special meeting minutes.

* **20120316 Special Meeting - March 26, 2012**

Review and approval of the March 26, 2012 special meeting minutes.

MAYOR'S APPOINTMENTS:

* **20120338 Appointment of Vice Chairs to serve on committees for the remainder of 2012**

Appointment of Council Member Grif Chalfant to serve as Vice Chair for the Public Works Committee.

Appointment of Council Member Jim King to serve as Vice Chair for the Judicial Legislative Committee.

Appointment of Council Member Annette Lewis to serve as Vice Chair for the Parks, Recreation and Tourism Committee.

Appointment of Council Member Johnny Sinclair to serve as Vice Chair for the Public Safety Committee.

Appointment of Council Member Philip Goldstein to serve as Vice Chair for the Personnel and Insurance Committee.

Appointment of Council Member Anthony Coleman to serve as Vice Chair for the Economic and Community Development Committee.

Appointment of Council Member Jim King to serve as Vice Chair for the Finance and Investments Committee.

CITY COUNCIL APPOINTMENTS:

* **20120314 Board of Zoning Appeals Appointment**

Reappointment of G. Marshall Dye Ward 4 to the Board of Zoning Appeals for 3-year terms, expiring April 10, 2015.

* **20120315 Ethics Committee Council Appointment**

Motion to extend the term of The Rev. James O. Speed as the Council appointment to the Ethics Committee until such time as a successor appointment can be made.

ORDINANCES:**RESOLUTIONS:****CITY ATTORNEY'S REPORT:***** 20120336 Denial of Claim**

Denial of the claim of James Linton.

*** 20120340 Denial of Claim**

Denial of claim of Wolfgang Hoddow.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20120173 HOME Reallocation for MHA Henderson Arms Project**

Approval of a Resolution authorizing the reallocation of \$500,000 in FY'07, FY'08 and FY'10 HOME program funds to the Cole Street Development Corporation as a loan for the Henderson Arms Renovation Project.

2. Finance/Investment: Annette Lewis, Chairperson*** 20120201 Horace Orr Post 29 \$3,000 donation**

Approval of an Ordinance amending the Fiscal Year 2012 General Fund budget to receive and appropriate a donation from American Legion for \$3,000 for fire prevention programs.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson*** 20120190 Revisions to Ordinance 8-8 Alcoholic Beverages**

Approval of an Ordinance amending the Marietta City Code Chapter 8-8 Alcoholic Beverages, related to the sale of spirituous liquor from the drive-thru window.

Council member Coleman voting against.

* **20120239 Taxi Inspection Ordinance**

Approval of proposed revisions to City Ordinance 8-12-18-130, "Maintenance and Inspection of Vehicles."

* **20120267 Section 714, Signs**

Motion to authorize advertisement of minor amendments to the Sign Ordinance, Section 714, "Signs."

* **20120268 Revised Detailed Plan for Riverstone Church located at 2005 Stilesboro Road**

Motion to approve the revised Detailed Plan for Riverstone Church to allow the operation of Gracepoint School until June 30, 2013 for no more than 30 students.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20120242 Standard Operating Procedure**

Motion approving revisions to the Police Department Standard Operating Procedures A030 Code of Conduct, A035 Salary Augmentation, A039 Personnel Selection, A047 Internal Affairs, A078 Transfers, A081 Transitional Duty, P010 Patrol Operations, P020 Missing Persons, P042 Roadblocks, and S033 Informants.

7. Public Works Committee: Jim King, Chairperson

* **20120250 2005 SPLOST Funds Reallocation**

Approval of the reallocation of 2005 SPLOST funds to account for reduced revenue. Projected reductions for the reduced revenue would come from the bridge rehabilitation, sidewalk, multi-use trail, and general streets and drainage, which would postpone projects currently designed. Balancing out the remaining projects, a reduction of \$420,545 on the Roswell Street Barnes to Victory project would allow the project to retain \$229,538 as potential matching funds for federal funding. The remaining 2005 SPLOST project funding would be balanced within the accounts to construct all remaining projects at the current scope.

* **20120325 2005 SPLOST Project Fund**

Ordinance approving an amendment to the Fiscal Year 2012 budget to reduce and reallocate the funding for the 2005 SPLOST Project Fund.

Council member Goldstein has previously disclosed that he, family members and/or an entity that he owns, owns property in the downtown area and on Waverly Way. This project may go through some of that property; therefore, Council member Goldstein abstains on and will not participate on this item.

Council Member Goldstein abstains

20120251 Traffic Calming

Motion approving revisions to the traffic calming policy.

* **20120252 980 Roswell Street**

Motion to amend Lease Agreement with Amigo and Friends Used Cars.

* **20120253 Access to GDOT Regional Traffic Server**

Motion authorizing Public Works staff to sign the Non-Disclosure/Confidentiality of sensitive Information Agreement prepared by GDOT to access the Regional Transportation System via Virtual Private Network.

* **20120261 North Marietta Parkway Gateway Grant**

Motion to approve the Gateway Grant Memorandum of Agreement between The Georgia Department of Transportation and The City of Marietta for Gateway Landscape Improvements for the intersection of North Marietta Parkway and Cobb Parkway.

* **20120326 Gateway Landscape Improvements Grant- Budget Amendment**

Ordinance approving an amendment to the Fiscal Year 2012 budget to appropriate a grant from the Georgia Department of Transportation for Gateway Landscape Improvements for the intersection of North Marietta Parkway and Cobb Parkway.

20120283 Donation of Right of Way

Motion approving an Agreement to gift property for right of way by PMG 358 Roswell Street, LLC. to the City of Marietta as requested by Chairman King.

Councilman Philip M. Goldstein will abstain from the discussion and vote on this Agreement in the capacity as a Marietta City Councilman. Philip M. Goldstein is the owner of the entity known as PMG 358 Roswell Street, LLC. and is its manager. This item deals with an Agreement to gift property for right of way by PMG 358 Roswell Street, LLC. to the City of Marietta

APPEARANCES:**OTHER BUSINESS:****20120140 V2012-10 BRE/ESA Properties, L.L.C. (a/k/a Extended Stay America, Inc.)**

V2012-10 [VARIANCE] BRE/ESA Properties L.L.C. (a/k/a Extended Stay America, Inc.) request variance for property located in Land Lot 10010, District 16, Parcel 0020 and being known as 1051 Canton Road. Variance to allow a pylon sign; Variance to increase the sign height from 15 ft. to 35 ft.; Variance to increase the sign face from 90 sf. to 120 sf.; Variance to reduce parking spaces from 182 parking spaces to 136 parking spaces Ward 5.

This item was tabled at the March 7, 2012 City Council Meeting.

20120141 V2012-11 Roy W. Mertz 2265 Kingston Court

V2012-11 [VARIANCE] ROY W. MERTZ request variance for property located in Land Lot 07260, District 17, Parcel 0010 and being known as 2265 Kingston Court. Variance to allow abandoned signs to remain. Ward 7.

Council member Chalfant disclosed that he has employed the engineer, Wayne Proctor, at various times.

Council member Goldstein disclosed that he has used the engineer, Wayne Proctor, in the past; however, has no current business dealings with him.

This item was tabled at the March 7, 2012 City Council Meeting.

20120142 V2012-12 Michael McDonald - Pavilion Development 2195 Cobb Parkway South

V2012-12 [VARIANCE] MICHAEL MCDONALD (PAVILION DEVELOPMENT) request variance for property located in Land Lot 08050, District 17, Parcel 0160 and being known as 2195 Cobb Parkway South. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75.; Variance to waive the requirement that a general advertising sign be regulated as a principal use; Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign; Variance to reduce the side setback for a general advertising sign support structure from 15' to 11'; Variance to reduce the side setback for a general advertising sign face from 11.25' to 7'.; Variance to reduce the front setback for a general advertising sign face from 30' to 17'; Variance to allow a general advertising sign be located on a lot upon which a building and signage is located; Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. Ward 1.

This item was tabled at the March 7, 2012 City Council Meeting.

*** 20120264 BLW Actions of the April 9, 2012**

Review and approval of the April 9, 2012 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:**ADJOURNMENT:**